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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,402	10/24/2000	Kurt Jonach	80398.P364	3658

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EXAMINER

NGUYEN, CAO H

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 07/30/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/696,402	Applicant(s) Sato et al.	
Examiner Cao (Kevin) Nguyen	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 16, 2003
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-77 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-77 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 46 and 62 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. "further comprises performing a drag and drop operation to visually dial the user manipulable dial." should be deleted.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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3. Claims 20-77 are rejected under 35 U.S.C. 102(e) as being anticipated by Swenton-Wall et al. (US Patent No. 6,590,586 B1).

Regarding claim 20, Swenton-Wall discloses a computerized apparatus for viewing images comprising: a dial capable of being dialed through rotations; a set of files [... the slides may be manipulated on a simulated on a table by placing the slides in a simulated slide carousel...see abstract]; and means for connecting the dial to the set of files wherein by manipulating the dial through rotations, the set of files can be sequentially displayed [...the digital carousel facilities sequencing of images for presentation by reordering slides.. see col. 2, lines 1-15].

Regarding claim 21, Swenton-Wall discloses further comprising means for increasing the speed of sequentially displaying the set of files [image illustrated with horizontal and verticle shadow bars on a left and right side...see col. 5, lines 1-23 and col. 5, lines 47-54].

Regarding claims 22 and 23, Swenton-Wall discloses further comprising: means for modifying the set of files; and further comprising: means for sequentially viewing individual files across more than one set of files [see col. 6, lines 13-38 and figures 3A].

Regarding claim 24, Swenton-Wall discloses a computer-readable medium having computer-executable instructions to cause a computer to perform a method comprising: linking a set of files, and coupling a dial with the set of file; the dial capable of being dialed through rotations, and wherein the set of files is sequentially displayed when the dial is dialed (see col. 6, lines 39-67).

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Regarding claims 25 and 26, Swenton-Wall discloses having further computer-executable instructions wherein a dial setting further increases a speed that the files are sequentially displayed; and having further computer-executable instructions wherein the dial has a stop point where file sequencing is stopped and one file is displayed (see col. 4, lines 23-67).

Regarding claims 27 and 28, Swenton-Wall discloses having further computer-executable instructions wherein pushing the dial in will select the file; and having further computer-executable instructions wherein pushing the dial in will allow sequencing of files across more than one set of files (see col. 5, lines 25-65).

As claims 29-30 are analyzed as previously discussed with respect to claims 24-28 above.

Regarding claims 31-33, Swenton-Wall discloses wherein the set of sequentially linked files are modified to flag a file location; and wherein the computer-readable medium activates the dial to display files sequentially across more than one set of sequentially linked files (see col. 6, lines 1-21 and figures 3A-6A).

Regarding claim 34, Swenton-Wall discloses a networked server system comprising: means for posting a linked set of files for display; and means for sequentially displaying the content of the linked set of files via a dial capable of being dialed through rotations (see col. 8, lines 21-47).

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As claims 34-41 and 43 are analyzed as previously discussed with respect to claims 1 and 31-34 above.

Regarding claims 44 and 60, Swenton-Wall discloses a method for presenting presentations, the method comprising: receiving an input via an interface representing a user manipulable dial capable of being dialed through rotations; and sequentially displaying at least one presentation from a preselected set of presentations in response to the input (see col. 4, lines 23-67).

Regarding claim 45, Swenton-Wall discloses wherein the input is received by visually dialing the user manipulable dial (see figures 4-6A).

As claims 47-59 and 61-68 are analyzed as previously discussed with respect to claims 1 and 31-34 above.

Regarding claim 69, Swenton-Wall discloses wherein the method further comprises: determining a dialing speed of the dialing; and sequentially displaying the at least one presentation in a presentation rate associated with the dialing speed (see col. 6, lines 22-67).

As claims 70-77 are analyzed as previously discussed with respect to claims 1, 31-34 and 44 above.

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Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (See PTO-892).

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Response

6. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-9051 may be used for formal communications or (703) 305-9724 for informal or draft communications.

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Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist).

Inquires

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (703) 305-3972. The examiner can normally be reached on Monday-Friday from 8:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca, can be reached on (703) 308-3116. The fax number for this group is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Kevin Cao
CAO (KEVIN) NGUYEN
PRIMARY EXAMINER

July 24, 2003